

IN THE CLAIMS:

Please amend Claims 1, 4, 12 and 15 as follows:

1. (Amended) A shoot and fruit thinner adapted to selectively prune vines in a vineyard by removing selected vegetative shoots and/or fruit from one or more vines, said shoot and fruit thinner comprising:

a draft vehicle associated with a mobile power unit, said draft vehicle adapted to be moved about said vineyard along said vines;

a frame supported by said vehicle, said frame having at least one rotary tool depending therefrom, said tool adapted to selectively thin said shoots and/or said fruit on said vine as said vehicle moves about said vineyard, said tool powered by said power unit;

a means for guiding said tool along said vines such that the tool maintains a constant position and distance relative to said vine; and,

controls associated with said power unit for selectively manipulating said tool to control the amount of thinning of said shoots and/or fruit.

4. (Amended) The shoot and fruit thinner as recited in claim [2, wherein said tool comprises] 1 further comprising a second articulating arm having a circular brush adapted to be rapidly rotated by said power unit between adjacent cordons so as to remove or damage undesirable shoots or fruit.

12. (Amended) The shoot and fruit thinner as recited in claim 1 [further comprising] wherein said means for guiding said tool along said vines such that the tool maintains a constant

position and distance relative to said vine comprises a guide wheel [protruding forwardly from] attached to said frame, said guide wheel adapted to roll along a central wire on a trellis as said vehicle moves forwardly along said vine.

15. (Amended) The shoot and fruit thinner as recited in claim 13[, wherein said tool comprises] further comprising a second articulating arm having a circular brush adapted to be rotated by said power unit between adjacent cordons so as to remove or damage undesirable shoots or fruit.

REMARKS

In the Office Action dated September 10, 2002, the Examiner asked that a correction be made to the "Cross-Reference to Related Applications." The Examiner also objected to Claims 23 through 26 as depending from rejected independent claims and rejected Claims 1 through 22. In response, Applicant has corrected the specification and amended Claims 1, 4 and 12 to more clearly distinguish the present invention from the cited prior art.

The Examiner rejected Claims 1 through 3, 5 through 14 and 16 through 22 as being unpatentable over Olmo et al. (U.S. Patent No. 3,606,741) in view of Pellenc (EP 0053570 A1). The Examiner states that it would have been obvious to combine these two patents to form the present invention.

Applicant respectfully disagrees that the patents may be combined in an obvious combination. The patent to Olmo et al. discloses a harvester, not a shoot and fruit thinner. The device disclosed in the Olmo et al. patent removes substantially all fruit from a vine. A thinner is